REMARKS

Claims 1-44 remain pending in the application.

The Applicants respectfully request the Examiner to reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

Claims 1-5, 8-15, 17-22, 24, 25, 39-42 and 44 over Smock in view of Solomon

In the Office Action, claims 1-5, 8-15, 17-22, 24, 25, 39-42 and 44 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Smock et al., U.S. Patent No. 6,377,668 ("Smock") in view of Solomon et al., U.S. Patent No. 4,847,890 ("Solomon"). The Applicants respectfully traverse the rejection.

Claims 1-5, 8-15, 17-22, 24 and 25 respectively recite, *inter alia,* an Internet communication module/calling party causing a personalized notification message recorded by a remote telephone user or calling party to be sent to a called-but-busy party/Internet user.

Smock appears to disclose a method and apparatus to inform an online computer user of a presence of an incoming telephone call without disturbing an associated modem connection (Abstract). A synthesized voice message announces the name and telephone number of a caller to the user (Smock, col. 3, lines 66-col. 4, line 2). The voice messages stored in a voice database are played to the user over a speaker (Smock, col. 4, lines 2-4). A caller with a desire to access an Internet user calls the telephone number of the Internet user (Smock, col. 3, lines 34-45).

The Office Action correctly acknowledged that Smock fails to disclose a message sent to a called-but-busy party is a personalized notification recorded by a remote telephone user or caller. However, the Office Action relies on Solomon to allegedly make up for the deficiencies in Smock to arrive at the claimed invention. The Applicants respectfully disagree.

Solomon appears to disclose a method and system for placing and responding to published advertisements (Solomon, col. 1, lines 5-8). A method and apparatus is disclosed for establishing telephone communications between

service subscribers and responding callers while preserving anonymity (Abstract). If a subscriber to whom a call is placed is not available or does not wish to answer the telephone, or if the subscriber's line is busy, the system offers the caller the ability to record a personal voice message for the subscriber (Solomon, col. 2, lines 14-18).

Solomon's method and system for allowing a caller to record a personal voice message by a responding caller to a service subscriber of published advertisements. The personalized voice message is **NOT** sent to a party, but stored at a retrieval location. Solomon fails to even mention an Internet, much less an Internet communication module/calling party causing a personalized notification message recorded by a remote telephone user or calling party to be sent to a called-but-busy party/Internet user, as claimed by claims 1-5, 8-15, 17-22, 24 and 25.

Neither Smock nor Solomon, either alone or in combination, disclose, teach or suggest an Internet communication module/calling party causing a personalized notification message recorded by a remote telephone user or calling party to be sent to a called-but-busy party/Internet user, as respectively claimed by claims 1-5, 8-15, 17-22, 24 and 25.

A benefit of sending a personalized message versus a "canned" message to an Internet user is, e.g., giving the Internet user more information when deciding to take a call. A personalized message may allow an Internet user to continue uninterrupted without having to converse with a calling party if a calling party only needs to relay information not needing a reply.

Claims 39-42 and 44 recite, *inter alia*, uniquely identifying an Internet user and a specially designated, predetermined telephone number center adapted to receive a call from a caller with a desire to send a notification message to a called-but-busy party.

Smock teaches a caller with a desire to access an Internet user calls the telephone number of the Internet user. Smock fails to teach a specially designated, predetermined telephone number center adapted to receive a call from a caller, much less a specially designated, predetermined telephone number center adapted to receive a call from a caller with a desire to send a

notification message to a called-but-busy party, as claimed by claims 39-42 and 44.

As discussed above, Solomon fails to even mention an Internet, much less uniquely identifying an Internet user and a specially designated, predetermined telephone number center adapted to receive a call from a caller with a desire to send a notification message to a called-but-busy party, as claimed by claims 39-42 and 44.

Neither Smock nor Solomon, either alone or in combination, disclose, teach or suggest uniquely identifying an Internet user and a specially designated, predetermined telephone number center adapted to receive a call from a caller with a desire to send a notification message to a called-but-busy party, as claimed by claims 39-42 and 44.

A benefit of providing a specially designated, predetermined telephone number center adapted to receive a call from a caller with a desire to send a notification message to a called-but-busy party is, e.g., an alternate way of notifying an Internet user. Smock requires an Internet user obtain call waiting. Call waiting is an optional service that adds cost to a user's bill. Providing a caller with the option to call a specially designated, predetermined telephone number center relieves the Internet user from obtaining call waiting service and still have notice that a caller is attempting to reach the Internet user.

Accordingly, for at least all the above reasons, claims 1-5, 8-15, 17-22, 24, 25, 39-42 and 44 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 6, 7, 16, 23 and 43 over Smock in view of Solomon and Foladare

In the Office Action, claims 6, 7, 16, 23 and 43 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Smock in view of Solomon, and further in view of Foladare et al., U.S. Patent No. 5,982,774 ("Foladare"). The Applicants respectfully traverse the rejection.

Claims 6, 7, 16, 23 and 43 are dependent on claims 1, 12, 26, 33 and 39 respectively, and are allowable for at least the same reasons as claims 1, 12, 26, 33 and 39.

Claims 6, 7, 16 and 23 respectively recite, *inter alia,* an Internet communication module/calling party causing a personalized notification message recorded by a remote telephone user or calling party to be sent to a called-but-busy party/Internet user.

As discussed above, neither Solomon nor Smock, either alone or in combination, disclose, teach or suggest an Internet communication module/calling party causing a personalized notification message recorded by a remote telephone user or calling party to be sent to a called-but-busy party/Internet user, as respectively claimed by claims 6, 7, 16 and 23.

The Office Action relies on Foladare to allegedly make up for the deficiencies in Smock and Solomon to arrive at the claimed invention. The Applicants respectfully disagree.

Foladare appears to teach a user connected to the Internet through an Internet Access Provider (IAP) (Abstract). A user is informed of a waiting call by a signal sent by a Local Exchange Carrier (LEC) to the IAP that indicates the presence of the waiting call and the identity of the calling party (Foladare, Abstract). A message to the Internet user is placed on either a new page, a new window page, on a current page or on an over-write within the current page (Foladare, col. 3, lines 13-35).

Foladare's notification message is a textual message, **NOT** a personalized notification message, much less an Internet communication module/calling party causing a personalized notification message recorded by a remote telephone user or calling party to be sent to a called-but-busy party/Internet user, as respectively claimed by claims 6, 7, 16 and 23.

Neither Smock, Solomon nor Foladar, either alone or in combination, disclose, teach or suggest a personalized notification message recorded by a remote telephone user or calling party, as respectively claimed by claims 6, 7, 16 and 23.

Claim 43 recites, *inter alia*, uniquely identifying an Internet user and a specially designated, predetermined telephone number center adapted to receive a call from a caller with a desire to send a notification message to a called-but-busy party.

As discussed above, neither Smock nor Solomon, either alone or in combination, disclose, teach or suggest uniquely identifying an Internet user and a specially designated, predetermined telephone number center adapted to receive a call from a caller with a desire to send a notification message to a called-but-busy party, as claimed by claim 43.

The Office Action relies on Foladare to allegedly make up for the deficiencies in Smock and Solomon to arrive at the claimed invention. The Applicants respectfully disagree.

Foladare teaches a LEC that intercepts a caller to an Internet user and notifies an IAP of a pending call. The IAP forward the notification to the Internet user. Foladare's LEC does not have its own telephone number. Foladare's LEC is **NOT** a specially designated, predetermined **telephone number center**, much less a specially designated, predetermined **telephone number center** adapted to receive a call from a caller with a desire to send a notification message to a called-but-busy party, as claimed by claims 30, 31, 37 and 43.

Neither Smock, Solomon nor Foladare, either alone or in combination, disclose, teach or suggest a specially designated, predetermined **telephone number center** adapted to receive a call from a caller with a desire to send a notification message to a called-but-busy party, as claimed by claim 43.

Accordingly, for at least all the above reasons, claims 6, 7, 16, 23 and 43 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 26-29, 32-36 and 38 over Smock in view of Berberich

In the Office Action, claims 26-29, 32-36 and 38 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Smock in view of Berberich, Jr. et al., U.S. Patent No. 5,818,919 ("Berberich"). The Applicants respectfully traverse the rejection.

Claims 26-29 and 32 recite, *inter alia,* a specially designated, predetermined telephone number center that is adapted to cause a message

formatter to send a notification message to a called-but-busy party upon request from a remote telephone user.

As discussed above, Smock appears to disclose a method and apparatus to inform an online computer user of a presence of an incoming telephone call without disturbing an associated modem connection (Abstract). A synthesized voice message announces the name and telephone number of a caller to the user (Smock, col. 3, lines 66-col. 4, line 2). The voice messages stored in a voice database are played to the user over a speaker (Smock, col. 4, lines 2-4). A caller with a desire to access an Internet user calls the telephone number of the Internet user (Smock, col. 3, lines 34-45).

The Office Action correctly acknowledged that Smock fails to disclose a predetermined telephone number center adapted to receive a call from a caller with a desire to send a notification message to a called-but-busy party and to cause a message formatter to send a notification message to the called-but-busy party upon request from a caller. The Office Action relies on Berberich to allegedly make up for the deficiencies in Smock to arrive at the claimed invention. The Applicants respectfully disagree.

Berberich appears to disclose an automated intelligent network system and method for providing automatic forwarding of calls to enhanced telecommunications service platforms across network boundaries (Abstract). An enhanced service platform is employed to implement an enhanced service such as voice messaging (Berberich, col. 4, line 66-col. 5, lines 2). A call is routed to a mailbox for a dialed number (Berberich, col. 5, lines 10-26).

Berberich's enhanced service platform provides voicemail service for a caller. An enhanced service platform providing voicemail service for a caller is **NOT** a specially designated, predetermined telephone number center that is adapted to cause a message formatter to send a notification message to a called-but-busy party upon request from a remote telephone user, as claimed by claims 26-29 and 32.

Neither Smock nor Berberich, either alone or in combination, disclose, teach or suggest a specially designated, predetermined telephone number center that is adapted to cause a message formatter to send a

notification message to a called-but-busy party upon request from a remote telephone user, as claimed by claims 26-29 and 32.

Claims 33-36 and 38 recite, *inter alia*, notifying an Internet user though a specially designated, predetermined telephone number center that a calling party is requesting access to an Internet user over a telephone line.

As discussed above, the Office Action correctly acknowledged that Smock fails to disclose a predetermined telephone number center adapted to receive a call from a caller with a desire to send a notification message to a called-but-busy party and to cause a message formatter to send a notification message to the called-but-busy party upon request from a caller. The Office Action relies on Berberich to allegedly make up for the deficiencies in Smock to arrive at the claimed invention. The Applicants respectfully disagree.

As discussed above, Berberich's enhanced service platform provides voicemail service for a caller. Berberich fails to even mention an Internet. An enhanced service platform providing voicemail service for a caller is **NOT** notifying an Internet user though a specially designated, predetermined telephone number center that a calling party is requesting access to an Internet user over a telephone line, as claimed by claims 33-36 and 38.

Neither Smock nor Berberich, either alone or in combination, disclose, teach or suggest notifying an Internet user though a specially designated, predetermined telephone number center that a calling party is requesting access to an Internet user over a telephone line, as claimed by claims 33-36 and 38.

Accordingly, for at least all the above reasons, claims 26-29, 32-36 and 38 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 30, 31 and 37 over Smock in view of Berberich and Foladare

In the Office Action, claims 30, 31 and 37 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Smock in view of Berberich, and further in view of Foladare. The Applicants respectfully traverse the rejection.

Claims 30, 31 and 37 are dependent on claims 26 and 33 respectively, and are allowable for at least the same reasons as claims 26 and 33.

Claims 30 and 31 recite, *inter alia,* a specially designated, predetermined telephone number center that is adapted to cause a message formatter to send a notification message to a called-but-busy party upon request from a remote telephone user.

As discussed above, neither Smock nor Berberich, either alone or in combination, disclose, teach or suggest a specially designated, predetermined telephone number center that is adapted to cause a message formatter to send a notification message to a called-but-busy party upon request from a remote telephone user, as claimed by claims 30 and 31.

As discussed above, Foladare appears to disclose a user that is connected to the Internet through an Internet Access Provider (IAP) (Abstract). A user is informed of a waiting call by a signal sent by a Local Exchange Carrier (LEC) to the IAP that indicates the presence of the waiting call and the identity of the calling party (Foladare, Abstract). A message to the Internet user is placed on either a new page, a new window page, on a current page or on an over-write within the current page (Foladare, col. 3, lines 13-35).

Foladare discloses a caller that calls an Internet user, with a Local Exchange Carrier sending a message to the Internet user. A Local Exchange Carrier is **NOT** a specially designated, predetermined telephone number center, much less a specially designated, predetermined telephone number center that is adapted to cause a message formatter to send a notification message to a called-but-busy party upon request from a remote telephone user, as claimed by claims 30 and 31.

Neither Smock, Berberich nor Foladare, either alone or in combination, disclose, teach or suggest a specially designated, predetermined telephone number center that is adapted to cause a message formatter to send a notification message to a called-but-busy party upon request from a remote telephone user, as claimed by claims 30 and 31.

Claim 37 recites, *inter alia*, notifying an Internet user though a specially designated, predetermined telephone number center that a calling party is requesting access to an Internet user over a telephone line.

As discussed above, neither Smock nor Berberich, either alone or in combination, disclose, teach or suggest notifying an Internet user though a specially designated, predetermined telephone number center that a calling party is requesting access to an Internet user over a telephone line, as claimed by claim 37.

As discussed above, Foladare appears to disclose a user that is connected to the Internet through an Internet Access Provider (IAP) (Abstract). A user is informed of a waiting call by a signal sent by a Local Exchange Carrier (LEC) to the IAP that indicates the presence of the waiting call and the identity of the calling party (Foladare, Abstract). A message to the Internet user is placed on either a new page, a new window page, on a current page or on an over-write within the current page (Foladare, col. 3, lines 13-35).

Foladare discloses a caller that calls an Internet user, with a Local Exchange Carrier sending a message to the Internet user. A Local Exchange Carrier is **NOT** a specially designated, predetermined telephone number center, much less notifying an Internet user though a specially designated, predetermined telephone number center, much less notifying an Internet user though a specially designated, predetermined telephone number center that a calling party is requesting access to an Internet user over a telephone line, as claimed by claim 37.

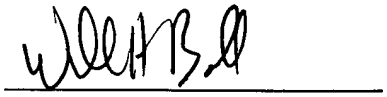
Neither Smock, Berberich nor Foladare, either alone or in combination, disclose, teach or suggest notifying an Internet user though a specially designated, predetermined telephone number center that a calling party is requesting access to an Internet user over a telephone line, as claimed by claim 37.

Accordingly, for at least all the above reasons, claims 30, 31 and 37 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman
Reg. No. 36,457

Manelli Denison & Selter PLLC
2000 M Street, NW
Suite 700
Washington, DC 20036-3307
TEL. (202) 261-1020
FAX. (202) 887-0336

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